

## REMARKS

This paper is submitted in response to the pending Office Action mailed on July 29, 2010. Because this Response is accompanied by a certificate of electronic filing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **October 29, 2010**, this Response is timely filed.

### I. STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 5 and 7 to 35 were pending and at issue. By this Response, none of the pending claims have been amended, claims 34 and 35 have been canceled, and no new claims have been added. Thus, claims 1 to 5 and 7 to 33 are pending and at issue.

Applicant believes no additional fees are due in connection with this Response, however, Applicant directs the Office to charge **Deposit Account No. 23-1925 (11828.00004)** for any fees deemed owed.

### II. CLAIM REJECTIONS

The Office Action rejects: claims **1** to 5, 7, 8, **11** to 17, 19, **21**, 23 to 25, 27 and 29 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 7,412,040 to Koch ("*Koch*") in view of U.S. Published Patent Application No. 2004-0267527 to Creamer et al. ("*Creamer*") and further in view of U.S. Patent No. 6,820,055 to Saidon et al. ("*Saidon*"); and claims 9, 10, 18, 26 and 28 under 35 U.S.C. §103(a) as obvious over *Koch* in view of *Creamer* and further in view of *Saidon* and further in view of U.S. Published Patent Application No. 2004-0086100 to Moore et al. ("*Moore*"); and claim 20 under 35 U.S.C. §103(a) as obvious over *Koch* in view of *Creamer* and further in view of *Saidon* and further in view of U.S. Patent No. 7,007,098 to Smyth et al. ("*Smyth*"); claim 22 under 35 U.S.C. §103(a) as obvious over *Koch* in view of *Creamer* and further in view of *Saidon* and further in view of U.S. Patent No. 7,124,163 to Geofroy et al. ("*Geofroy*"); claims 30, 32 and 34 under 35 U.S.C. §103(a) as obvious over *Koch* in view of *Creamer* and further in view of *Saidon* and further in view of U.S. Published Patent Application No. 2003-0061026 to Umpleby et al. ("*Umpleby*"); and claims 31, 33 and 35 under 35 U.S.C. §103(a) as obvious over

*Koch* in view of *Creamer* and further in view of *Saidon* and further in view of U.S. Published Patent Application No. 2004/0818744 to Nguyen et al. ("*Nguyen*")

Applicant respectfully maintains the traversal of the Office Action's rejection of claims 1 to 5 and 7 to 29 as obvious over *Koch* in view of *Creamer* and further in view of *Saidon* with or without *Moore*, *Smyth*, *Umpleby* and *Nguyen*. As previously discussed in Applicant's Response dated May 13, 2010, independent claims 1, 11 and 21 generally recite utilizing aiding data to enhance the conversion of the first conference-endpoint data. Aiding data, as disclosed and discussed in the specification, may be utilized to enhance success rates for voice recognition. For convenience sake, the discussion of aiding data in the specification at paragraphs [0049] to [0053] is provided below.

**[0049]** The speech-to-text engine may also provide the voice detection or "endpointer" process in the conference system 102 with dynamic parameters to influence the sensitivity of the voice activity detection. The dynamic parameters may improve the voice recognition as well as performance. **The conferencing system 102 may also provide aiding data 346 for the speech-to-text translators 334 to enhance success rates for voice recognition.** (Emphasis added)

**[0050]** The aiding data 346 may include a dictionary of common words, phrases, or names, for example. The dictionary may also include words, phrases or names collected from surrounding infrastructure such as Lightweight Directory Access Protocol (LDAP) directories, vocabulary lists for expert or professional fields such as medical acronyms commonly employed in hospitals. The dictionary may also store words or phrases found in the text messaging data flowing through the conferencing system 102. (Emphasis added)

**[0051]** The aiding data may also include an identifier of the participant originating an audio message, as well as a persistent data store for that participant. The speech-to-text translator 334 may build and store a model of the participant using the persistent data store. **Using the data store, the speech-to-text translator 334 may also learn about the vocabulary or acoustic properties of the participant to enhance future speech-to-text translations.** (Emphasis added)

**[0052]** In other implementations, the aiding data 346 may alternatively or additionally include training data captured

**by the speech-to-text translators 334 or captured by a speech-to-text translator used in another context.** The training data may originate, for example, with speech-to-text software that leads a speaker through one or more voice training exercises to enhance the accuracy of speech-to-text translation. For example, the training data may originate with a commercial speech-to-text program such as the ViaVoice (TM) speech recognition software used for dictation. (Emphasis added)

**[0053] The aiding data 346 may assist the speech-to-text translators 334 with identifying a particular speaker.** Alternatively or additionally, the conferencing system 102 may execute a separate logical instance of a speech-to-text translator 334 for one or more participants. The separate instance may then process the audio data for the given participant and build a temporary or persistent data store as more is learned about the participant. (Emphasis added)

From this description it is clear that the aiding data as disclosed and described in the specification provides vocabulary or acoustic properties associated with the participant to enhance future speech-to-text translations. In particular, as stated in paragraph **[0053]** the aiding data may assist the speech-to-text translator portion of the data conversion programs with translating the speech of a particular speaker into text utilizing the stored vocabulary, training data and acoustic properties.

*Creamer*, contrary to the relied upon characterization, does not provide the teaching or disclosure of "aiding data" as recited by the claims at issue. In particular, the Office Action attempts to map the voice signature element of *Creamer* with the claimed aiding data element recited by the claims. However, upon careful review of the voice signature element of *Creamer*, it is clear that this term and element is not consistent with the aiding data recited by the claims. For example, *Creamer* at paragraph **[0026]** states that:

**[0026]** Operationally, a user of the system 10 would preferably use their microphone 12 to initially use a voice training module 14 to create a voice signature to be stored in a signature repository 18. As explained above, the voice signature 18 or a copy 20 of the voice signature is retrieved from the signature repository 18 to reconstruct the original voice of the calling or sending party. Thus, a voice input such as "hello" provided by the calling party into the microphone 12 is converted to a text message using the text-to-speech converter 22 and sent as a text stream to the receiver 19 and a text-to-speech synthesizer

**24. The previously recorded voice signature (16 or 20) is applied during the text-to-speech synthesis conversion at the receiver 19 so that "hello" is audibly detected at the speaker 26 with a voice resembling the calling party's voice.**

Thus, the voice signature of *Creamer* is not utilized to provide vocabulary or acoustic properties associated with the speaker to enhance future speech-to-text translations as disclosed and recited by the claims at issue. Rather, the voice signature of *Creamer* is utilized to ensure that the result of a text-to-speech (as opposed to speech-to-text) synthesis **sounds** like the calling party to the listener and not to the speech-to-text translator portion of the data conversion program. The voice signature does not aid or enhance recognition, accuracy or performance. Instead, the voice signature is simply utilized to ensure that the result of a text-to-speech synthesis is recognizable.

Accordingly, Applicant submits that the relied upon mapping of the voice signature element of *Creamer* with the claimed aiding data element recited by the claims is incorrect. This assertion is clearly supported by both the Federal Circuit and the Board of Patent Appeals and Interferences. In particular, as the Board noted in *ex Parte* Technofirst S.A. while giving claim terms their broadest reasonable interpretation is correct and proper, such interpretations need to be made in view of the specification. See *ex Parte* Technofirst S.A., Appeal 2009-010931, (BPAI 2010), *Philips v. AWH Corp.* 415 F.3d 1303, 1316 (Fed. Cir. 2005). Because mapping of the voice signature element of *Creamer* with the claimed aiding data element is inconsistent with the specification, Applicant submits that the relied upon combination is improper and cannot provide the basis upon which a *prima face* case of obviousness can be established.

Applicant submits that none of the cited references, either alone or in combination, discloses or suggest utilizing aiding data in connection with the conversion program in order to enhance the accuracy of the conversion as recited by independent claims 1, 11 and 21. Furthermore, none of the cited references discloses or suggests that the aiding data includes or utilizes aiding data having a dictionary of common vocabulary much less an identifier associated with the participant at the first endpoint.

Because each of the cited references fails to disclose, either alone or in combination with the remaining references, each and every element recited by claims at issue, any combination based on those references would likewise fail to disclose each and every element. Thus, the relied upon references cannot provide the basis upon which a *prima facie* case of obviousness may be established. For at least these reasons, Applicant submit that claims 1 to 5 and 7 to 35 are patentable over any combination of *Koch*, *Creamer*, *Saidon*, *Moore*, *Smyth*, *Umpleby* and *Nguyen*.

### III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,  
BRINKS HOFER GILSON & LIONE

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